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10/016,317

12/06/2001

Srinivas Guddanti

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05/27/2004

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EXAMINER

LEE, SUSAN SHUK YIN

ART UNIT

PAPER NUMBER

2852

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

10/016,317

Applicant(s)

GUDDANTI ET AL.

Examin r

Susan S. Lee

Art Unit

2852

-- The MAILING DATE of this communication appears n the cover sheet with the c rrespondence address --  
Peri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-11,14-16,18-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 is/are allowed.
- 6) ☒ Claim(s) 1-4,6-11,14-16,18-21 and 23-26 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Pri rity under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Upon reconsideration of the claims, the previous indicated allowability of claim 4 is hereby withdrawn in view of the newly founded prior art to Dougherty (6,641,244).

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, 7, 9-11, 14-16, 18-20, 23, 24, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Dougherty et al. (6,641,244).

Dougherty discloses an electrophotographic printer 105; an environmental sensor 150 connected to a network 145 that could be a local area network or the Internet that senses environmental conditions (ECs) in the general vicinity of the printer 105 (note column 3, line 65 – column 4, line 21); the printer's interface 110 is connected to controller 120; and the printer's memory 125. The printer's process may be performed utilizing previously measured environmental conditions (ECs). Note column 6, lines 5-10. This inherently shows that there is a history of measured environmental conditions that is stored in the printer's memory so that a process of the printer can be performed using previously measured environmental conditions as disclosed by Dougherty (column 6, lines 5-10). A toner (reading on the instant invention's

consumable) usage is also determined for the printer 105 and a look up table (reading on the instant invention's memory for the consumable) of the toner usage is used for common environmental conditions. Note column 5, lines 17-48. Controller 120 may be operable as an imbedded Web server and capable of searching for information via various types of networks (claim 4). Note column 3, lines 57-62. The printer is connected to the network 145 that is external of the image forming device. This network 145 reads on the instant invention's client device external of the image forming device (claim 4) or on the instant invention's device external of the image forming device (claim 3). Environmental conditions include relative humidity, temperature, and barometric pressure. Note column 1, lines 46-60. The controller 120 may be configured to find and poll one or more sensors 150 in the vicinity of the printer 105; and to receive the environmental conditions for the general vicinity of the printer 105 from a Web page provided by the network 145. Note column 3, lines 62-64 and column 4, lines 13-21. This reads on the step of "receiving a request within the image forming device from a source external of the image forming device, and the communicating comprises communicating responsive to the receiving" (claim 11). The environmental conditions may be utilized to determine the toner usage for each pixel, scan line, page, and print job and/or the usable lifespan of the toner cartridge. The toner usage value for each page may be determined by referencing the pixel count and the environmental conditions for the page and applying these values to a look up table. This toner usage value reads on the instant invention's (claim 16) "analyzing the data regarding the at least one environmental condition after the receiving to determine a quantitative

parameter for the least one environmental condition". As "for testing other image forming devices" in claim 16, this is language that is intended use, thus very little weight is given to this limitation. The environmental conditions may be measured before the print job is generated, after the print job has finished printing, and/or any time in between. Note column 4, line 63-column 5, line 11.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claims 8, 21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougherty et al. in view of Nakane et al. (5,148,218).

Dougherty, as discussed above, differ from the instant invention by not disclosing an internal power source to provide power to the sensor in an absence of power from a source external of the image forming device.

Nakane et al. discloses a humidity detector 100, a temperature detector 101, timer 121, coding circuit 122, memory controller 123 and memory 124 in an image forming device are always applied night and day with a drive voltage by the chargeable battery 120. Note column 10, lines 61-65.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Dougherty with that of Nakane et al. so that the environmental sensors and storage of data are always operating whether there is power or not supplied from outside of the image forming device.

### ***Allowable Subject Matter***

Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 28 is allowed over the prior art of record.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-3, 6-11, 14, 15, 19, 20, 21, and 23 have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ghanime, Wang et al., Wallace, Jr., Bunker et al., and Suermond et al. disclose art in monitoring systems.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan S. Lee whose telephone number is 571-272-2137. The examiner can normally be reached on Mon. - Fri., 10:30-8:00, Second Monday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Art Grimley can be reached on 571-272-2136 or 571-272-2800 (Ext. 52).

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susan S. Lee  
Primary Examiner  
Art Unit 2852

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